Uniformity in Panchayati Raj Institutions

†1251. SHRI HARISH RAWAT: Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) the details of the States where the Panchayati Raj Institutions have not been assigned the responsibility, so far, of controlling any department other than of a few conventional ones;

(b) whether Government have taken any concrete steps to bring about uniformity in this regard among all the States; and

(c) if so, the details thereof?

THE MINISTER OF PANCHAYATI RAJ (SHRI MANISHANKAR AIYAR): (a) to (c) All the States and Union Territories where Constitutional (73rd Amendment) Act is applicable except Arunachal Pradesh, Jharkhand, Chandigarh and Pondicherry, have transferred a number of functions to the PRIs but in varying degrees. A Conference of Chief Ministers and State Ministers in charge of Rural Development and Panchayati Raj on Poverty Alleviation and Rural Prosperity through Panchayati Raj was organized at New Delhi on 29-30 June, 2004 jointly by the Ministry of Rural Development and the Ministry of Panchayati Raj. The Conference decided to hold seven Round Table Conferences to formulate a draft action plan towards achieving the objective of the strengthening of Panchayati Raj Institutions to enable them to become true institutions of self-government for the planning and implementation of programmes of economic development and social justice as envisioned in the Constitution. The first Round Table Conference was held at Kolkata on 24-25 July, 2004 on the subject of "Panchayati Raj: Effective Devolution" relating to measures to be taken towards the effective devolution of Functions, Functionaries and Finances to the three tiers of the Panchayati Raj System, as well as the effective empowerment of Gram Sabhas. It was agreed that effective devolution is predicated on Activity Mapping of Institutions to each of the three tiers and that, to this end efforts would be made to complete Activity Mapping within the current fiscal year, with technical assistance where required from the Centre. The conclusions arrived at by consensus at the first Round Table Conference, which the Minister in charge of Panchayati Raj agreed to recommend to their respective Governments for joint acceptance by the Centre and States, is enclosed as statement.

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†Original notice of the question was received in Hindi.

Statement

First round table of Ministers-in-charge of Panchayati Raj-Kolkata 24th-25th July, 2004

Ministers in charge of Panchayati Raj, and their representatives, bearing in mind the spirit of cooperative federalism which must inform the effective implementation of Panchayati Raj as set out in Para IX of the Constitution of India and related provisions, including in particular, Article 243ZD (District Planning Committees), agreed to recommend to their respective Governments, for joint acceptance by the Centre and the States, the following points of action:—

Effective Devolution of Functions:

(I) The Constitution (Article 243G) provides for "devolution", that is, the empowerment of Panchayati Raj Institutions (PRIs) to function as institutions of self-government for the twin purposes of (i) making plans for economic development and social justice for their respective areas, and (ii) implementing programmes of economic development and social justice in their respective areas, for subject devolved to the PRIs, including those listed in the Eleventh Schedule, and subject to such conditions as the State may, by law, specify. Therefore, the key objective is to ensure that Panchayati Raj Institutions function as institutions of self-government rather than as mere implementing agencies for other authorities in respect of such functions as may be devolved on them;

(II) While devolution must eventually comprise the entire range of subjects provided for in the State legislation in a time-bound manner, States/ UTs may prioritize their devolution programme to ensure that for such functions as are prioritized, there is full and effective devolution in empowering PRIs as institutions of self-government in respect of these functions;

(III) To this end, the essential step is the identification of activities related to the devolved functions with a view to attributing each of these activities to the appropriate tier of the 3-tier system. To the extent possible, there should be no overlapping between tiers in respect of any given activity;

(IV) In determining the tier of the Panchayati Raj System to which any given activity is to be attributed, the principle of subsidiarity must, to the extent possible, be followed. The principle of subsidiarity states that any activity which can be undertaken at a lower level must be undertaken at that level in preference to being undertaken at any higher level;

(V) On the basis of the identification of activities relating to devolved functions, and through the application of the principle of the subsidiarity, States/UTs may review/undertake time bound activity mapping with a view to completing this exercise within the fiscal year 2004-05; 92

(VI) The activity mapping model as evolved in the Ministry of Rural Development in the Report of the Task Force on Devolution of Powers and Functions upon Panchayati Raj Institutions, and the information provided about existing State-wise activity mapping in the Fact Sheets presented to the Round Table, might be drawn upon by State Government/UT Administrations for preparing their respective activity mapping exercise;

(VII) The Union Ministry of Panchayati Raj could, on request, furnish technical assistance and expertise to State Govts./UT Administrations to accomplish activity mapping within the time-frame indicated;

(VIII) With a view to promoting a measure of irrevocability of devolved functions) devolution may be routed through legislative measures or, alternatively; by providing a strong legislative framework for devolution through executive orders.

Effective Devolution of Functionaries:

(I) The devolution of functionaries to the Panchayati Raj Institutions should be patterned on the activity mapping of activities related to devolved functions;

(II) Where the devolved activity requires the deputation of State Government officials to assist the elected PRI in planning or implementing the devolved activity, the officials concerned must be primarily responsible to, and under the disciplinary supervision and control of, the elected authority;

(III) With a view to building a cadre of officials and technocrats specialized in the devolved functions of the PRIs, State Governments/UT Administrations may consider instituting a Panchayati Raj Administrative and Technical Service, with the State Government discontinuing further recruitment of staff to State services for such devolved functions;

(IV) (i) Reconceiving the role of District Rural Development Agencies (DRDAs) as an important instrument for Panchayati Raj development through the progressive merger of DRDAs with the District Panchayats. The technical expertise and other facilities of the DRDAs should become available to all tiers of the PRIs under the overall responsibility and disciplinary control of the elected authority in the PRIs at the appropriate level;

(ii) The activities of the reconceived DRDAs with respect to the three tiers of the Panchayati Raj system should be patterned on the activity map for the devolution of functions, functionaries and funds so that all the three tiers of PRIs have equitable access to the resources, expertise, facilities and manpower of the DRDAs.

Effective Devolution of Finances:

(I) The "sound finances" of the Panchayats is a Constitutional obligation enjoined on the States by Article 243-I. In pursuance of this Constitutional obligation, the States and the Centre, in a true spirit of fiscal federalism, should work together to strengthen the finances of the elected local bodies;

(II) To this end, the devolution of finances to the three tiers of the Panchayati Raj System should be patterned on activity mapping for the devolution of functions and functionaries, thus securing effective devolution of powers to the PRIs through the linking of the devolution of finances to the devolution of functions and functionaries;

(III) On the basis of the principles adumbrated above, the State Government might attempt to prepare a road map, to be made effective as soon as possible, and, in any case, by the end of the next fiscal year 2005-06, which might include the following components:

(i) Devolution, tier-wise and based on activity mapping, of:

(a) Planning;

(b) Budgeting;

(c) Provisioning of finances.

(ii) Inclusion of PRI component in the budget of each State/Central Government department based on activity mapping;

(iii) Provision of progressively larger untied funds, tier-wise, to the Panchayats by State/Central Governments;

(iv) Provision of untied grants from the Planning Commission to the PRIs, tier-wise based on activity mapping;

(v) Tier-wise allocations, based on activity mapping of the PRIs, of hitherto unallocated grants, if any, made by previous Finance Commissions, and a pre-determined pattern for the tier-wise allocation within a time bound framework of grants from the 12th and future Finance Commissions;

(vi) A schedule, to be determined by each State Government/UT Administration, of the time-frames within which State Finance Commissions should prepare their reports; for the submission of State Finance Commission recommendations, alongwith Action Taken Reports (ATRs), to the Legislature; and for the executive to act on recommendations/ATRs endorsed by the State Legislature;

(vii) Steps to encourage PRIs to raise their own resources, especially through the provisions to "appropriate" revenues raised by them for their own purposes (Article 243-H).

Gram Sabhas:

(I) Article 243-A of Part IX of the Constitution provides for the establishment of Gram Sabhas to "exercise such powers and perform such functions at the village level as the Legislature of a State may, by law, provide";

(II) A strong system of Gram Sabhas is the indispensable foundation of good governance through Panchayati Raj;

(III) Based on the two principles stated above, State Governments may review the extant legislation to determine the legislative and other steps which remain to be taken to ensure that the "powers" and "functions" mentioned in Article 243A of the Constitution are adequately incorporated in the State legislation. In particular, the following points may be examined:—

(i) The need for constituting Sabhas below the Gram level (such as Gram Sansad, Upa-Gram Sabha or Ward Sabha, by whatever name called) with the aim of ensuring that the adult population in each ward is given the opportunity of conveying to the Gram Sabha their views on issues coming up for consideration as also holding the elected Ward representative responsible to the adult population in each Ward;

(ii) The periodicity of meetings of Gram Sabhas and Ward Sabhas;

(iii) Provision for full and satisfactory consultation with special or disadvantaged categories of the population, such as women, SC/ST, landless labourer etc.;

(iv) Provision for Mahila Sabha meetings, comprising all the adult women of a Ward/Gram Panchayat area to deliberate upon, and decide the modalities of, expressing their views in the Gram/ Ward Sabhas;

(v) Endowing the Gram/Ward Sabha with meaningful empowerment through such measures as:

(a) Right/entitlement to all the information required for the Gram/Ward Sabhas to contribute to transparent and good governance, as well as to make the elected Panchayat truly answerable to the Gram/Ward Sabha;

(4) Approve before implementation commences, plans and programmes (including budgets) for economic development and social justice prepared by the Gram Panchayat;

(c) Authorize the issuance of utilization certificates of funds allocated for the plans, projects or programmes of the Panchayat;

(d) Identification of beneficiaries.

(vi) Such social audit measures may also be appropriately institutionalized at the Block and District level.

Coordination with Ministries and States

1252. SHRIMATI N.P. DURGA: Will the Minister of PANCHAYATI RAJ be pleased to state:

(a) whether it is a fact that recently a meeting on Panchayati Raj was held in Raipur in the light of the Prime Minister's directive that all the Ministries should consult the Panchayati Raj Ministry while making any Central Plan or programme for rural development and social justice;

(b) if so, the outcome of the meeting; and

(c) the details of action plan prepared for coordination between the various Ministries and all the States?

THE MINISTER OF PANCHAYATI RAJ (SHRI MANISHANKAR AIYAR): (a) to (c) The third Round Table of Ministers in charge of Panchayati Raj was held at Raipur on 23-24 September, 2004 in which the subjects of Provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA), reservations for women; and reservations for Scheduled Castes and Scheduled Tribes were discussed. The Ministers of Panchayati Raj agreed to recommend to their respective Governments for joint acceptance by the Centre and the States, action points arrived at during the meeting. Although Centrally Sponsored Schemes were not part of the Raipur agenda, the fact is that the Prime Minister has approved a suggestion from the Ministry of Panchayati Raj that all Ministries who are operating Centrally Sponsored Schemes should review their schemes in the light of Article 243G read with XI Schedule with a view to incorporating into the Schemes the Constitutional provisions in this regard, in letter and spirit. It has also been decided that the Ministry of Panchayati Raj should be consulted and their views incorporated in the notes prepared for consideration of Cabinet/ Cabinet Committees in all cases relating to Centrally Sponsored Programmes/Schemes that have a bearing on decentralization. Ministries are expected to take necessary action in this regard.

Panchayat Elections in Jammu and Kashmir

1253. SHRI S.P.M. SYED KHAN: Will the Minister of PANCHAYATI RAJ be pleased to state: